



City of Seattle

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3010952  
**Applicant Name:** David Bennett for Josh Feigin & Nicole Trimble  
**Address of Proposal:** 1633 Madrona Drive

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 157 square foot porch addition to an existing single family residence.

The following approvals are required:

**Variance** - To allow portion of principal structure to extend into the required front yard in a single family zone. Seattle Municipal Code 23.44.014(A)

**Variance** - To allow the expansion of nonconforming structure in a single family zone. Seattle Municipal Code 23.42.112(A)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description**

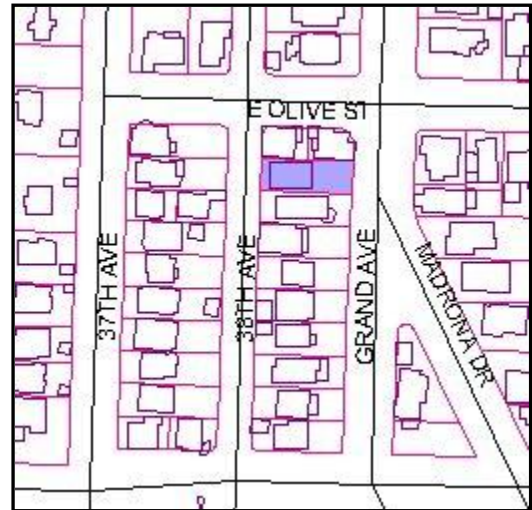
The subject lot is rectangular in shape (38 ft. by 107 ft.), occupying approximately 4,078 square feet of land in the Madrona neighborhood. The development site is a through lot<sup>1</sup> with frontage along 38<sup>th</sup> Avenue to the west and Madrona Drive to the east. The property is below the standard size lot area within the designated Residential, Single-Family 5000 zone (SF 5000). There are two site characteristics associated with the existing building. The first being the single family structure's front entry is located within 12 feet of west property line. The recently rebuilt covered porch, extending the full width of the front façade, extends approximately six feet from

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<sup>1</sup> As defined, though lots means a lot abutting two streets that are parallel or within 15 degrees of parallel with each other. Each yard abutting a street, except a side yard, shall be a front yard. Rear yard requirements shall not apply to through lots.

the west property line, which is the subject of this variance application. The second, the structure encroaches into both side yards up to 11 inches.

The site is currently developed with a recently remodeled modest two-story single-family residence (built in 1901). The development site slopes downward from west to east approximately 16 feet, with the east half having a more dramatic slope. The existing single family house conforms to all required development standards except for the side yards and (unpermitted) covered porch in the front yard. Due in part to the site's topography and siting of existing structure, on-site accessory parking has not been established at the development site. Large hedges and other landscaping elements visually screen portions of the residential structure from neighboring properties. The rights-of-way are fully improved with sidewalks, curbs, and gutters. The streetscape along 38<sup>th</sup> Avenue has an intimate scale with its 40 foot wide right-of-way, proximity of structures to property lines, and restricted vehicle parking (west side only) within the right-of-way which results in creating a pedestrian friendly experience.



The immediate vicinity is zoned for single family residential development in an expansive SF 5000 zone. The area is developed primarily with single, two and three-story single family residences in a mix of architectural styles. This densely populated neighborhood appears to be well established with the number of turn of the (20<sup>th</sup>) century homes. The area is open to the sky with few trees to provide shade from the afternoon sun. The general area sits on a hillside that slopes downward to the east, to Lake Washington. There are a few pockets of steep slope and potential slide Environmental Critical Areas on the hillside. The area appears to be well developed that could support additional development.

### Proposal Description

The applicant has proposed to remodel an existing residential structure to accommodate lifestyles of a modern family. The remodeling project includes expanding the front porch to allow greater use and protection from inclement weather within the front yard setback area. The project represents the last phase of a larger single family remodeling project to modernize the existing residential structure, which entailed reconfiguration/expansion of floor area and addition of new dormers. The subject of this review is the addition of a covered porch measuring approximately 29 feet and 6 feet in width (full width of the front façade) and 4 feet 10 ½ inches in depth (5 feet 7 ½ inches from the front property line). As designed the porch deck sits approximately 1 foot 6 inches above grade. The existing single family structure with its unpermitted porch addition is a nonconforming structure with regards to the front yard setback area. In total, the lot coverage of the existing structure will expand by approximately 101 square feet in the required front yard.

CODE SECTION	STANDARD	REQUEST
SMC 23.42.112(A).	A structure nonconforming to development standards may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in a manner that increases the extent of the nonconformity.	Allow the expansion of a nonconforming structure into a required front yard in a single family zone.
SMC 23.44.014(A.1).	The front yard shall be either the average of the front yards of the single family structures on either side or 20 feet, whichever is less. A 10 foot 6 inch front yard is required.	Allow a 29 feet 5 ½ inch wide covered porch to extend to 5 feet 7 ½ inches from the front property line attached two-garage to project 4 feet 10 ½ inches into the required front yard, to a distance of 5 feet 7 ½ inches from the front property line.

#### Public Comment

Date of Notice of Application: February 18, 2010

Date End of Comment Period: March 3, 2010

# Letters 7

Issues: Six of the 7 comments letters received from neighbors expressed support for the porch addition in the required front yard. Most of the comments focused on addressing variance criteria three and five - the porch would encourage social interaction with neighbors, would be keeping with the scale of the streetscape, and would indirectly add value to other nearby properties. DPD received several letters from one neighbor voicing disapproval of the porch addition that would adversely impact their property. After working through a number of concerns with the applicant, the neighbor forwarded correspondence in support of the porch with no eave overhangs along the north property line and assurance that the porch would not be enclosed now or in the future.

#### ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.*

The development site is located on platted Lot 2, Block 8, within the Madrona Heights Addition of Seattle, in a residential neighborhood. The development site comprises a land area of approximately 4,078 square feet, below the standardized 5,000 square feet of required land area in this SF 5000 zoned neighborhood. Except for the renaming of abutting streets<sup>2</sup> since the time of the original platting, the property has remained unchanged with the succession of each new owner. The existing house is sited approximately 12 feet from the west property line. Within the vicinity, the neighboring properties are mostly fully developed platted lots with similar sized land areas and siting challenges relative to property lines. This neighborhood is dominated by older housing stock constructed during the turn of the 20<sup>th</sup> Century. The subject house was constructed in 1901, at a time when there were no required front yard setbacks regulating placement of residential structures on private property within the city limits of Seattle.

The development site, as measured against today's zoning standards, is considered conforming for front yards using the front yard averaging technique. As measured against neighboring parcels the development site would be in scale within the surrounding area. A number of houses on the block front and surrounding area are set back less than ten feet from the front property line. The typical pattern of development on the block and vicinity includes portions of structures (garages, decks, porches, etc.) set within the front yard. This is a common occurrence in older neighborhoods within the City of Seattle.

The minimum required front yard at the development site in this single family zone is approximately 10 feet 6 inches, based on an averaging front yard technique that includes the neighboring property (1 feet from the property line) to the north and defaulting to 20 feet for the property to the south (the structure is actually 20 feet 3 inches from the property line). The existing two-story residential structure with daylight basement occupies an area of approximately 1,362 square feet and is sited towards the parcel's west property line. The existing single family residential front facade is located approximately 12 feet from the front property line, 48 feet from the east property line, 4 feet 1 3/8 inches from the north and 4 feet 6 inches from the south (side yard) property boundary lines.

Other properties in the vicinity, substantially share garages, porches, decks and patios within close proximity to the front property line. Thus, providing opportunities for neighbors to interact and bond, which is a cornerstone in establishing and maintaining our neighborhoods. Some of these structures are found within the front yard and are common in the vicinity. The historic placement of residential structures which has created these non-conforming conditions, under current Code, related to depth of yards, establishes a presence that cannot be ignored along the streetscape. The proposed remodeling project which includes a covered porch addition (subject of this review) affords relief from the inclement weather, and a protected place to interact with neighbors similar to that enjoyed by other properties on the same block and adjacent blocks. This variance would not constitute a granting of special privilege that is not enjoyed by others in the vicinity.

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<sup>2</sup> Abutting the development site to the west is 38<sup>th</sup> Avenue, was formally named Madrona Place. The abutting right-of-way to the east, Madrona Drive, was previously named 38<sup>th</sup> Avenue North.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.*

The owner of the subject lot is proposing to add a covered porch addition attached to the front façade of a recently remodeled single family residence within the front yard setback area. A porch addition will measure the full width of the front façade (29 feet 5 ½ inches in length) and extend 4 feet 10 ½ inches into the front yard, approximately 5 feet 7 ½ inches from the front property line. As discussed previously, the location of the house is approximately 12 feet from the front property line. The owner would be deprived of a protected outdoor sheltered area that serves many functions including temporary parking of bicycles and baby strollers, safe harbor for occupants and guests, and increased presence on the street to socially engage neighbors. It must be noted that no accessory structures are present at the subject lot. By Code the applicant would be allowed to construct an accessory garage structure in the front yard as evidenced with other properties along 38<sup>th</sup> Avenue. In addition to accommodating a secured parking stall, garages typically provide areas for storage of household items.

The applicant is seeking to minimize its front yard presence by constructing a dual purpose covered porch that both provides a safe haven when entering and exiting the single family residence and allowing seasonal items to be temporarily placed in an accessible location. In retrofitting the structure to meet the needs of modern households it became apparent that a larger covered porch was needed and would need to encroach into the front yard. The porch was scaled down to the greatest extent possible to minimize encroachment into the required yard while meeting the needs of the current home owner.

A number of houses in the vicinity have been identified to have more significant encroachments in their front yards. Many of the homes along 38<sup>th</sup> Avenue have their front facades or garages within close proximity to the front property line. The location of the existing structure limits where expansion or additions can occur. The owner is requesting to take advantage of the existing footprint to create usable covered outdoor area that is consistent with other single family residential structures in the vicinity. Most of the neighboring properties enjoy the benefits and privileges of nicely crafted homes with subtle architectural features including porches and decks on similar sized lots.

The applicant provided an “academic” front yard average calculation. If neighboring properties were to take advantage of the Code allowed front yard averaging technique, then the necessity for a variance would no longer be required because the front yard would be reduced from 10 feet 6 inches to 4 feet 4 ¼ inches from the front property line. Other existing residential structures on similar sized lots in the area enjoy moderate size houses with non-conforming yards. The proposed addition will marginally increase its structural footprint into the required front yard. Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity. The proposed addition of the covered porch extending into the front yard setback area would result in marginal impacts to the neighboring property to the north and to a lesser degree upon 38<sup>th</sup> Avenue right-of-way, and the surrounding vicinity. The bulk and scale of the proposed remodel and expansion would be in keeping with development along the street frontage and would not create additional negative visual impacts upon the surrounding properties. The adjacent property to the north will not be significantly impacted owing in part to the openness of the porch addition and location of windows on the south facing façade. To lessen visual impacts and shadows of the porch addition, eaves will be required to be removed around the porch's perimeter. Gutters will be allowed to be attached along all three sides (to extend no further than 4 ½ inches).

Additionally, the covered porch will be conditioned to remain open and shall be restricted from being enclosed now and in the future. The adjacent property to the north (addressed 3803 East Olive Street) is currently nonconforming to both front and (north) side yards abutting the streets. Visually, the impact of this adjacent structure obscures the proposed expansion. Other properties located across the right-of-way to the west are anticipated to be minimally impacted due to horizontal distance and topographic conditions in the area. Thus, the addition along the west façade does not pose a significant presence upon neighboring properties. By granting the requested variance with modifications the owner would be able to fully utilize increased protected outdoor transition space with marginal impacts on neighboring properties. Therefore, granting this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*

The literal interpretation and strict application of the Land Use Code would allow a similar porch addition that would be uncovered and would be limited to a width and depth of six feet in the required front yard. Few options are available and feasible to the owner to remodel and establish usable protected floor area at the development site. The larger porch would allow adequate space to stage the necessities associated with the lifestyles of modern families. The porch would function as a transition space to remove muddy boots, set down groceries, and provide opportunities interact with neighbors in a protected area. With no on-site parking the applicant is forced to park their vehicles across the street which creates hardships and practical difficulties as they load and unload their vehicle. The wider porch would assure greater safety as they could keep a watchful eye on kids, groceries and other objects. The strict application of the Code would allow a one-story accessory garage structure in the required front yard which would provide that transition space which the applicant is seeking. The garage structure would be allowed up to the front property line.

With a lot that is below the standard sized range with an existing structure situated 12 feet from the front property line (1 foot 6 inches of the required front yard when taking advantage of front yard averaging), to literally apply the Land Use Code would achieve a covered porch that for all practical purposes would be superficially lacking in appearance and create unnecessary challenges creating a protected transition space between the structure's interior and the outside. The applicant explored a code complying porch addition but elected to pursue the expanded

porch option to allow staging area to load and unload vehicles, safeguard potential safety hazard for small children and provide opportunities to engage neighbors. The expanded covered porch would provide an additional 23 feet 5 ½ inches of protection from inclement weather. Reducing the covered porch width to the Code complying 6 feet is somewhat workable but creates use challenges that does not lend well to functionality. Set within the context of the newly renovated residence the wider porch ensures design integrity of a building erected in 1901. It would cause the owners practical difficulties to deprive them of the expansion proposal as designed.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship or practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Single family zones are the heart of our City, where human interactions on residential blocks are enhanced by attractive and active streetscapes that are impacted by the bulk and scale of the housing stock. The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. This well established residential neighborhood with its architectural mix of structures, proximity to front property lines, width of right-of-way, and number of mature trees, creates a sense of calm and intimacy which will not be affected by the porch addition. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The existing single family residence is in keeping with what is typical of the residential uses in single family zones and the surrounding area. A number of residential structures in the immediate area were found to be nonconforming to required front and side yard requirements.

The establishment of a single family use at the subject site occurred in 1901. Prior to 1923 a number of residential structures were built along 38<sup>th</sup> Avenue at a time when there was not a code requirement for front yard setbacks. A few of the structures were found to be sited within the 10 foot front yard (setback) area. In recognizing the importance of protecting life, health, and safety of its residential population the city enacted the Land Use Code. It is further accepted that the city encourages home ownership and use of private property with proscriptions in an ever changing world. The single family section within the Land Use Code contemplates reductions of front yards but sets limitations of applicability that do not contemplate situations where a confluence of a predominance of shallow front yards are found more than one lot away from the subject lot on block fronts.

Seattle's Comprehensive Plan allows for the development of detached single family dwellings in single family areas that are compatible with the existing pattern of development and the character of each single family neighborhood (Policy LU68). One stated goal is to, "Preserve and protect low-density, single family neighborhoods that provide opportunities for home-ownership, that are attractive to households with children and other residents, that provide residents with privacy and open spaces immediately accessible to residents, and where the amount of impervious surface can be limited." (LUG8). As was previously noted, the patterns of structures in front yards are commonplace on the block front. Other surrounding properties within the neighborhood have structures located within the front yard setback. The proposed bulk and scale of the expansion would be in keeping with the pattern of lots in the immediate area and would

not be out of character along the streetscape in single family zones. The granting of the variance will not adversely affect the physical characteristics or use of the surrounding neighborhood, with the remodel and expansion of a single family residence to the subject development site.

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

### **DECISION - VARIANCE**

The proposed variance to remodel and expand an existing nonconforming residential structure that includes porch and garage expansion, at 1633 Madrona Drive is **Conditionally Granted**.

### **CONDITIONS - VARIANCE**

#### *Prior to Issuance*

The owner(s) and/or responsible party(s) shall:

1. Update site plan and other sheets to reflect removal of covered porch eave overhangs, with the exception of gutters attached to the covered porch along all sides (to extend no further than 4 ½ inches), subject to the approval of the planner.
2. Revise plan set to clearly document dimension of projections into the front and side yards, subject to the approval of the planner.

#### *For Life of project*

3. The covered porch adjacent to 38<sup>th</sup> Avenue shall remain open and is prohibited from being enclosed.

Signature: \_\_\_\_\_ (signature on file) Date: November 4, 2010  
Bradley Wilburn, Land Use Planner  
Department of Planning and Development  
Land Use Services

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